

Abstract

Civil liability for bodily injury in the provision of health services.

The purpose of the present thesis is to analyse the issue of civil liability for bodily injury in the provision of health services. This issue is very topical, especially due to the adoption of new private law, which is presented in this work. The new legislation is evaluated and the problems that have occurred or might occur are defined. In addition the legislation of important institutes is compared with previous regulation.

The thesis is composed of eight chapters, each of them dealing with different aspects of civil liability. Chapter one defines basic terminology used in the thesis. The next chapter presents the sources of law. Attention is paid to complex relationship between the Civil Code and the Law on Health Services, and also to a new type of contracts established by the Civil Code - agreement on health care.

Chapter three mentions the basic relationship of medical law – the relationship between a doctor and a patient, including the reasons for its creation. The transformation from a paternalistic model to a partnership model is also highlighted.

Chapters four and five are concerned with civil liability. At first the liability is defined in general, and subsequently individual facts relating to the provision of health care are described, and changes brought about by new legislation are highlighted. Statutory and contractual liability are explained and damage caused by undue information or advice and damage caused by a thing are explained. It is followed by the definition of the occurrence of liability. A large space is devoted to the *lege artis*.

Chapter six refers to the manner and extent of the compensation for the damage sustained. There are definitions of painful, social impairment and other non-pecuniary damage. The Methodology of the Supreme Court of the Czech Republic for redress of pain and social impairment is provided in the conclusion.

Chapter seven focuses on the regulation of limitation and last chapter mentions the issue of the patient's safety.

Keywords: civil liability, health service providers, compensation for the damage